

AMENDED IN SENATE APRIL 26, 2016

AMENDED IN SENATE APRIL 5, 2016

SENATE BILL

No. 1311

Introduced by Senator Glazer

February 19, 2016

An act to amend Section 1808.4 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1311, as amended, Glazer. Vehicles: confidential home address.

Existing law makes confidential, upon request, the home addresses of specified governmental officials, peace officers, state employees, and certain other persons that appear in the records of the Department of Motor Vehicles. *Existing law also makes confidential, upon request, the home address of the spouse or child of any of those persons, or the surviving spouse or child of a peace officer if the peace officer died in the line of duty, except for a spouse, surviving spouse, or child who was convicted of a crime and is on active parole or probation.* Existing law prohibits the disclosure of the confidential home addresses described above, except as specified. Existing law requires a record of the department containing a confidential home address to be open to public inspection, as specified, if the address is completely obliterated or otherwise removed from the record. ~~Existing law also provides that following the termination of office or employment, a confidential home address shall be withheld from public inspection for 3 years, unless the termination is the result of conviction of a criminal offense, as specified.~~ *Existing law also provides that the home address of the surviving spouse or child of a peace officer, as specified, shall be withheld from public inspection for 3 years following the death of the peace officer.*

~~This bill would require the department, for certain persons and within a specified period, to discontinue holding a home address confidential pursuant to the above provisions if the department receives a written notification from the sheriff, chief of police, or other head of an employing agency of the employee requesting the department to discontinue holding the home address confidential and the department agrees that holding the home address confidential should be discontinued at the conclusion of a hearing, unless the hearing is excepted, as specified. The bill would require the department to notify the subject of the request within 30 days of receipt of the request, as specified.~~
department to discontinue holding a home address confidential, pursuant to the above provisions, for a child or spouse of specified persons if the child or spouse is convicted of a felony in this state or is convicted of an offense in another jurisdiction that, if committed in California, would be a felony.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1808.4 of the Vehicle Code is amended
2 to read:
3 1808.4. (a) For all of the following persons, his or her home
4 address that appears in a record of the department is confidential
5 if the person requests the confidentiality of that information:
6 (1) Attorney General.
7 (2) State Public Defender.
8 (3) A Member of the Legislature.
9 (4) A judge or court commissioner.
10 (5) A district attorney.
11 (6) A public defender.
12 (7) An attorney employed by the Department of Justice, the
13 office of the State Public Defender, or a county office of the district
14 attorney or public defender.
15 (8) A city attorney and an attorney who submits verification
16 from his or her public employer that the attorney represents the
17 city in matters that routinely place the attorney in personal contact
18 with persons under investigation for, charged with, or convicted
19 of, committing criminal acts, if that attorney is employed by a city
20 attorney.

1 (9) A nonsworn police dispatcher.

2 (10) A child abuse investigator or social worker, working in
3 child protective services within a social services department.

4 (11) An active or retired peace officer, as defined in Chapter
5 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
6 Code.

7 (12) An employee of the Department of Corrections and
8 Rehabilitation, Division of Juvenile Facilities, or the Prison
9 Industry Authority specified in Sections 20403 and 20405 of the
10 Government Code.

11 (13) A nonsworn employee of a city police department, a county
12 sheriff's office, the Department of the California Highway Patrol,
13 a federal, state, or local detention facility, or a local juvenile hall,
14 camp, ranch, or home, who submits agency verification that, in
15 the normal course of his or her employment, he or she controls or
16 supervises inmates or is required to have a prisoner in his or her
17 care or custody.

18 (14) A county counsel assigned to child abuse cases.

19 (15) An investigator employed by the Department of Justice, a
20 county district attorney, or a county public defender.

21 (16) A member of a city council.

22 (17) A member of a board of supervisors.

23 (18) A federal prosecutor, criminal investigator, or National
24 Park Service Ranger working in this state.

25 (19) An active or retired city enforcement officer engaged in
26 the enforcement of the Vehicle Code or municipal parking
27 ordinances.

28 (20) An employee of a trial court.

29 (21) A psychiatric social worker employed by a county.

30 (22) A police or sheriff department employee designated by the
31 chief of police of the department or the sheriff of the county as
32 being in a sensitive position. A designation pursuant to this
33 paragraph shall, for purposes of this section, remain in effect for
34 three years subject to additional designations that, for purposes of
35 this section, shall remain in effect for additional three-year periods.

36 (23) A state employee in one of the following classifications:

37 (A) Licensing-Registration Examiner, Department of Motor
38 Vehicles.

39 (B) Motor Carrier Specialist I, Department of the California
40 Highway Patrol.

1 (C) Museum Security Officer and Supervising Museum Security
2 Officer.

3 (D) Licensing Program Analyst, *State Department of Social*
4 *Services.*

5 (24) (A) The spouse or child of a person listed in paragraphs
6 (1) to (23), inclusive, regardless of the spouse's or child's place
7 of residence.

8 (B) The surviving spouse or child of a peace officer, as defined
9 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
10 2 of the Penal Code, if the peace officer died in the line of duty.

11 (C) (i) Subparagraphs (A) and (B) shall not apply if the person
12 listed in those subparagraphs was convicted of a crime and is on
13 active parole or probation.

14 (ii) For requests made on or after January 1, 2011, the person
15 requesting confidentiality for their spouse or child listed in
16 subparagraph (A) or (B) shall declare, at the time of the request
17 for confidentiality, whether the spouse or child has been convicted
18 of a crime and is on active parole or probation.

19 (iii) Neither the listed person's employer nor the department
20 shall be required to verify, or be responsible for verifying, that a
21 person listed in subparagraph (A) or (B) was convicted of a crime
22 and is on active parole or probation.

23 (D) *The department shall discontinue holding a home address*
24 *confidential, pursuant to this subdivision, for a person specified*
25 *in subparagraph (A) or (B) who is the child or spouse of a person*
26 *described in paragraph (9), (11), (13), or (22) if the child or spouse*
27 *is convicted of a felony in this state or is convicted of an offense*
28 *in another jurisdiction that, if committed in California, would be*
29 *a felony.*

30 (b) The confidential home address of a person listed in
31 subdivision (a) shall not be disclosed, except to any of the
32 following:

33 (1) A court.

34 (2) A law enforcement agency.

35 (3) The State Board of Equalization.

36 (4) An attorney in a civil or criminal action that demonstrates
37 to a court the need for the home address, if the disclosure is made
38 pursuant to a subpoena.

1 (5) A governmental agency to which, under any provision of
2 law, information is required to be furnished from records
3 maintained by the department.

4 (c) (1) A record of the department containing a confidential
5 home address shall be open to public inspection, as provided in
6 Section 1808, if the address is completely obliterated or otherwise
7 removed from the record.

8 (2) Following termination of office or employment, a
9 confidential home address shall be withheld from public inspection
10 for three years, unless the termination is the result of conviction
11 of a criminal offense. If the termination or separation is the result
12 of the filing of a criminal complaint, a confidential home address
13 shall be withheld from public inspection during the time in which
14 the terminated individual may file an appeal from termination,
15 while an appeal from termination is ongoing, and until the appeal
16 process is exhausted, after which confidentiality shall be at the
17 discretion of the employing agency if the termination or separation
18 is upheld. Upon reinstatement to an office or employment, the
19 protections of this section are available.

20 (3) With respect to a retired peace officer, his or her home
21 address shall be withheld from public inspection permanently upon
22 request of confidentiality at the time the information would
23 otherwise be opened. The home address of the surviving spouse
24 or child listed in subparagraph (B) of paragraph (24) of subdivision
25 (a) shall be withheld from public inspection for three years
26 following the death of the peace officer.

27 ~~(4) (A) Notwithstanding paragraphs (2) and (3), the department~~
28 ~~shall discontinue holding a home address confidential pursuant to~~
29 ~~subdivision (a) if both of the following are met:~~

30 ~~(i) The department receives a written notification from the~~
31 ~~sheriff, chief of police, or other head of an employing agency of~~
32 ~~the employee requesting the department to discontinue holding~~
33 ~~the home address confidential.~~

34 ~~(ii) The department agrees that holding the home address~~
35 ~~confidential should be discontinued at the conclusion of a hearing~~
36 ~~wherein the requesting entity, the person that is the subject of the~~
37 ~~request, and the employee described in subparagraph (E) if the~~
38 ~~subject of the request is the spouse or child of that employee may~~
39 ~~provide arguments and information in support of, or in opposition~~
40 ~~to, the request.~~

1 ~~(B) The department shall notify the subject of a request made~~
2 ~~pursuant to subparagraph (A) within 30 calendar days of receipt~~
3 ~~of the request and shall make all reasonable efforts to ensure the~~
4 ~~subject of the request is contacted.~~

5 ~~(C) A hearing described in subparagraph (A) is not required to~~
6 ~~be held if the subject of the request does not respond to the~~
7 ~~notification by the department or does not wish to contest the~~
8 ~~request.~~

9 ~~(D) If the department agrees that holding the home address~~
10 ~~confidential should be discontinued pursuant to subparagraph (A);~~
11 ~~the department shall discontinue holding the home address~~
12 ~~confidential as soon as possible, but in no case later than 30~~
13 ~~calendar days upon the conclusion of the hearing.~~

14 ~~(E) This paragraph shall apply only to the home address of a~~
15 ~~person specified in paragraph (9), (11), (13), or (22) of subdivision~~
16 ~~(a) or the spouse or child of any of those persons.~~

17 ~~(5)~~

18 ~~(4) The department shall inform a person who requests a~~
19 ~~confidential home address what agency the individual whose~~
20 ~~address was requested is employed by or the court at which the~~
21 ~~judge or court commissioner presides.~~

22 ~~(d) (4) A violation of subdivision (a) by the disclosure of the~~
23 ~~confidential home address of a peace officer, as specified in~~
24 ~~paragraph (11) of subdivision (a), a nonsworn employee of the~~
25 ~~city police department or county sheriff's office, or the spouses or~~
26 ~~children of these persons, including, but not limited to, the~~
27 ~~surviving spouse or child listed in subparagraph (B) of paragraph~~
28 ~~(24) of subdivision (a), that results in bodily injury to the peace~~
29 ~~officer, employee of the city police department or county sheriff's~~
30 ~~office, or the spouses or children of these persons is a felony.~~

31 ~~(2) The failure to hold a home address confidential pursuant to~~
32 ~~subdivision (a) for a person whose home address is no longer held~~
33 ~~confidential pursuant to paragraph (4) of subdivision (c) shall not~~
34 ~~be a violation of paragraph (1) provided the date of disclosure was~~
35 ~~after termination of the address withholding.~~